



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2307296
Applicant Name: Kevin Preston
Address of Proposal: 3827 S. Alaska Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide two parcels into three unit lots (unit lot subdivision) in an Environmental Critical Area (ECA). This subdivision of property is only for the purpose of allowing sale or lease of the unit lots. Development standards will be applied to the original parcel and not to each of the new unit lots. Proposed unit lot sizes are: A) 7,668 sq. ft., B) 4,045 sq. ft.; and C) 4,045 sq. ft. The construction of three single-family residences has been approved under Project #2303001.

The Environmental Determination (SEPA) and an Environmentally Critical Areas Conditional Use, to recover development credit and permit clustered development was approved under Project #2202939.

The following approval is required:

Unit Lot Subdivision - to divide two parcels into three unit lots.
Seattle Municipal Code (SMC) Chapter 23.24

SEPA DETERMINATION: ☒* Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

* Sepa completed under Project Number 2202939.

BACKGROUND DATA

Vicinity and Site

The 15,764 sq. ft. project site is located at 3827 South Alaska Street in the south Seattle neighborhood, formerly known as Kramer Heights. The site consists of two parcels; one an irregular shaped 8,065 sq. ft. parcel and the other approximately 7,699 sq. ft. parcel. The site is zoned Single Family residential with a 5000 square foot minimum lot size. The topography is characterized by steep slopes along the southern half of the site. Portions of this slope are greater than 40 percent.

The site is vegetated with grass, shrubs, and trees. The site fronts on South Alaska Street for approximately 135 feet and has approximately 87 feet of street frontage on 39th Avenue South. Vehicular access for ingress and egress will be off of South Alaska Street. There is an apartment building to the west of the site, however, the neighborhood is predominately single family residential composed of developed lots of varying sizes. Directly across South Alaska Street, to the north of the property, there is a city park.

Proposal Description

The applicant proposes to subdivide the subject parcel into three unit lots, each lot containing a three story, single-family dwelling unit with attached garages. Vehicle access to the site is proposed from South Alaska Street.

The applicant applied for, and was granted with conditions, an administrative conditional use permit in order to develop the site to its full development capacity of three single-family residences. The proposal allows cluster development in the least sensitive portion of the site, where disturbance of the steep slope can be minimized. An environmental determination (Sepa) was also granted and approved, with no conditions, under the same project.

Public Comments

Notice of the proposed project was published on November 6th, 2003. The required public comment period ended on November 19th, 2003. No written comment was received.

ANALYSIS – UNIT LOT SUBDIVISION

SMC Section 23.24.040 provides that the Director shall use the following criteria to determine whether to grant, condition, or deny a short plat application:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Chapter 23.53.005;*

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivisions and subdivisions in environmentally critical areas.*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance with unit subdivision provisions of Section 23.24.045, Unit Lot Subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments and information supplied by the Seattle Public Utilities (“SPU”), the Seattle Transportation Department (“SEATRAN”), the Seattle Fire Department (“SFD”), and Seattle City Light (“SCL”), the following findings are made by the Land Use Planner with respect to the above-cited criteria:

1. Because this is a unit lot subdivision, development standards apply to the parent lot. The minimum lot size requirement in the Single-family zone is 5000 square feet. The existing site is approximately 15,765 square feet (including steep slope areas). Through the administrative conditional use provisions of SMC Section 25.09.260 which allows clustering of multiple structures on one site as an alternative to short platting the applicant has recovered sufficient development credit to construct and cluster three residences on the two existing legal building sites, and allows this unit lot subdivision.

The standard yard requirements for single family residential are as follows: front yard is the average of the front yards of the single family structures on either side or 20 feet whichever is less and the side yard setbacks are 5 feet. In order to minimize disturbance to the steep slope critical areas, under the cluster provision yard reductions are proposed. The proposed yard reductions include less than 20 foot front yards and less than 5 foot side yard setbacks. These setbacks are compatible with the neighborhood character. The proposal conforms to development standards in all other respects. Hence, the proposal is deemed to comply with applicable Land Use Code requirements. Any additional new construction would be required to meet development standards of the Land Use Code for the parent lot.

2. All unit lots would take vehicular access from South Alaska Street. Seattle Department of Transportation (SDOT) has approved the access to the three proposed unit lots. Seattle City Light does not require property rights for this unit lot subdivision, therefore approves this application. The Seattle Fire Department had no comments or requirements for the proposal.

In short there would be adequate access to the lots for off-street parking, vehicles, utilities, and fire protection.

3. SPU issued Water Availability Certificate No. 2003-1177 indicating that the water supply is adequate. DPD's drainage reviewer reported that there is an 8-inch public sanitary sewer (PSS) located in South Alaska Street which is available for sanitary discharge from new construction on all proposed parcels. There is a 12-inch public storm drain (PSD) in South Alaska Street available for stormwater discharge from new construction on all proposed parcels. Both of these storm drains discharge to a designated receiving water.

The provided survey indicates the presence of concrete curb and gutter to convey surface runoff to the PSD by means of curb discharge. The PSD discharges to a Designated Receiving Water. A standard drainage control plan was required at the time of building permit application. In short, there will be adequate drainage, water supply, and sanitary sewage disposal.

4. The proposed unit lot subdivision is consistent with relevant SF5000 zoning, cluster development and environmentally critical areas and meets the minimum provisions for the Seattle Land Use and Zoning Code. As a unit lot subdivision, it is also consistent with Administrative Conditional use criteria set forth in SMC Section 23.09.260 for relevant Environmentally Critical Areas. The proposal meets all applicable criteria for approval of a unit lot subdivision as discussed in this analysis and decision. The public use and interest would be served because an additional housing opportunity would be provided within the City limits as a result of this subdivision of land.
5. The proposal contains mapped Steep Slope Environmentally Critical Areas as defined in Seattle Municipal Code Chapter 25.09 (ECA). In compliance with Director's Rule 3-93, "General Duties and Responsibilities of Geotechnical Engineers", the applicant submitted a Geotechnical Report, performed by Geotech Consultants, Inc., available in the DPD's project file. The report detailed the site conditions, stated conclusions, and recommendations and was addressed during building permit application. Construction in compliance with all applicable provisions of the ECA Ordinance (SMC 25.09) together with compliance with the conclusions and recommendations of the geotechnical report were adequately mitigated for expected earth impacts. The conditions imposed by the administrative conditional use approval to recover development credit, are still applicable and shall be noted on the final plat.
6. Tree preservation and planting options and landscaping requirements of Seattle Municipal Code 23.44.008I requires that trees for new single-family development be preserved or retained where possible. Future development is subject to SMC 25.09, which set forth tree-planting requirements on single-family lots. The site will be fully developed pursuant to issued building permits and no additional development is proposed. This requirement was addressed through the building permit review process.
7. Section 23.24.045 of the Seattle Municipal Code provides that under certain circumstances some types of parcels may be created that don not individually meet the zoning requirements for lot size, yards, or lot coverage, or the requirements of Section

25.09.240 for a standard short subdivision within an environmentally critical area. These are called unit lot subdivisions and may be permitted as long as the development as a whole meets development standards. However, as a result of this subdivision, development on the individual lots may be non-conforming. To assure that future owners have constructive notice that additional development may be limited due to non-conformities, the following statement shall be required to be included as a note on the final unit lot subdivision: "The unit lots shown on this site are not separate buildable lots, and the dwellings units constructed on this site constitute non-conforming structures pursuant to SMC Section 23.45.190. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code".

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED.**

CONDITIONS - UNIT LOT SUBDIVISION

Prior to Recording

The owner(s) and responsible party(s) shall:

1. Provide legal descriptions for the lots and the easements with the plat for recording.
2. Provide final recording forms and fee payable to King County Recorder.
3. Add the conditions of approval after recording on the face of the plat or on a separate page.
4. Add to the face of the plat map a private use and maintenance agreement for the parcels with access from the easements and for common interest elements such as shared walls. Alternately, the applicant may choose to record the private use and maintenance agreement by separate document and reference the King County recording number in the Short Plat dedication with the following language: "A private use and maintenance agreement encumbers the lots shown hereon as disclosed in that document recorded in the office of the King County Recorder under recording number _____".
5. Add a statement to the face of the plat as follows: "The units constructed on Parcels 'A' through 'C' are non-conforming structures permitted pursuant to SMC Section 23.45.190. Additional development of these unit lots in this subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."

6. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. All existing structures shall be shown on the face of the plat, and their distances to the property lines dimensioned. Lot areas shall be shown on the plat.
7. The conditions imposed by the administrative conditional (Project #2202939) use approval to recover development credit, are still applicable and shall be noted on the final plat.
8. Insert on the face of the plat: "This site contains Environmentally Critical Areas (ECAs) as defined in SMC 25.09, Steep Slope Development Standards. The ECA steep slope development standards of SMC Section 25.09.180 and Section 25.09.260 and specific conditions of DPD Project No. 2202939 as well as the ECA General and Submittal Standards and other related development standards of Chapter 25.09 of Seattle Municipal Code still apply to development on the site.
9. Show on the face of the plat the location of the ECA disturbance and non-disturbance area as approved in DPDs Project No. 2202939 and the location of permanent ECA markers delineating the approved non-disturbance area.

After Recording and Prior to Issuance of any Building Permit

The owner(s) and responsible party(s) shall:

9. Attach a copy of the recorded plat to all building permit sets of plans.

Signature: _____ Date: January 12, 2004

Joan S. Carson,
Land Use Planner
Department of Planning and Development

JC: bg

Carson/2307296UnitLotSub.dec